

United States District Court
Southern District of Texas
FILED

AUG 02 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA

v.

JOHN F. CUELLAR

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§

CRIMINAL NO. 7:19-CR-0522-2

UNOPPOSED MOTION FOR IMPOSITION OF A MONEY JUDGMENT

COME NOW, the United States of America, by and through Ryan K. Patrick, United States Attorney for the Southern District of Texas, and Roberto Lopez, Jr., Assistant United States Attorney, and respectfully submits its Unopposed Motion for the Imposition of a Money Judgment against Defendant, John F. Cuellar (hereinafter "Defendant"). A proposed order is submitted with this motion for the Court's consideration.

1. On April 9, 2019, a grand jury returned a superseding indictment in the Southern District of Texas, McAllen Division charging the Defendant with Conspiracy to Commit Honest Services Wire Fraud in violation of Title 18, United States Code, Section 1349 among other charges. The United States gave notice in the Superseding Indictment to the Defendant that, in the event of conviction, the United States would seek to forfeit all property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as the result of the offense charged in the Information. The United States also provided notice that it would seek a money judgment equal to the total value of the property subject to forfeiture.

2. The Defendant has pleaded guilty to the offense charged in the Information. Defendant admits his criminal conduct generated at least \$405,000.00 in proceeds.

3. Defendant agrees to forfeit \$405,000.00 to the United States. Defendant agrees to the imposition of a personal money judgment for \$405,000.00 against him and in favor of the United States. The imposition of a money judgment is specifically authorized by Rule 32.2(b)(1)

of the Federal Rules of Criminal Procedure.

4. The Defendant consents to the money judgment becoming final immediately following the guilty plea. FED.R.CRIM.P. 32.2(b)(4)(A).

WHEREFORE, the notice of plea agreement, the record, and the applicable law, support the imposition of a money judgment against the Defendant and in favor of the United States for \$405,000.00 and the United States moves for an agreed order imposing a judgment for that amount.

Respectfully submitted,
RYAN K. PATRICK
UNITED STATES ATTORNEY

By: /s Roberto Lopez, Jr.
Roberto Lopez, Jr.
Assistant United States Attorney
State Bar No. 24074617
U.S. Attorney's Office
1701 W. Highway 83, #600
McAllen, TX 78501
PH: (956) 618-8010

CERTIFICATE OF CONFERENCE

I consulted with Ricardo Montalvo, counsel for Defendant John F. Cuellar, and he indicated they are UNOPPOSED to this motion.

/s Roberto Lopez, Jr.
Roberto Lopez, Jr.

CERTIFICATE OF SERVICE

A true and correct copy of this pleading was served on counsel of record via electronic court filing.

/s Roberto Lopez, Jr.
Roberto Lopez, Jr.